

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:17CR512-3
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	MAGISTRATE JUDGE
	)	JONATHAN D. GREENBERG
HERBERT SHAW,	)	
	)	
Defendant.	)	<b><u>ORDER</u></b>

This matter was referred to the undersigned to conduct a hearing on Defendant, Herbert Shaw's, Motion for Bond.

On December 7, 2017, Defendant was arrested and appeared before Magistrate Judge William H. Baughman, Jr. for arraignment. At that hearing, the Government moved for pretrial detention and Defendant requested a detention hearing.

On December 12, 2017, the undersigned conducted a detention hearing, and took the matter of detention under advisement. On December 13, 2017, the undersigned entered an Order of Detention Pending Trial, finding that the testimony and information submitted at the detention hearing established by a preponderance of the evidence that based upon Defendant's substance abuse history, criminal history, pattern of similar criminal activity history, and the lengthy period of incarceration if convicted, no condition or combination of conditions exist that would reasonably ensure the safety of the community or Defendant's appearance. Defendant has been in custody for over twenty-four months.

On October 31, 2019, Defendant entered a plea of guilty to Count 1 of the Indictment.

On November 6, 2019, Defendant filed his Motion for Bond, wherein he states:

Pursuant to the Plea, it appears that the Defendant Offense Level pursuant to the Sentencing Guidelines would place him at Level 17, Criminal history 3 and between a Sentencing Range of 30-37 months.

The Defendant, Herbert Shaw has been incarcerated at Northeast Ohio, Correctional Center, 2240 Hubbard Road, Youngstown, Ohio 44505 for almost two (2) years. His sentencing date has been continued until February 20th 2020; *[sic]* which would mean the Defendant served his prison time.

Defendant is not a flight risk and is not danger to the community and has full family support.

The Government did not file a response to Defendant's motion.

On December 16, 2019, the undersigned conducted a hearing on Defendant's motion.

Arguments were heard.

The Court has considered Defendant's motion and the arguments of the parties, and finds that none of the newly presented evidence or arguments persuade this Court that the reasons for detention have been altered. Specifically, the only change in circumstance is that, according to Defense Counsel and the Assistant United States Attorney, a "lengthy period of incarceration" is no longer imminent. Further, counsel incorrectly states that by the time Defendant's sentencing occurs, Defendant's prison time would have been served.

The lack of substantial prison time and no showing of any change in the other circumstances does not persuade the Court that there is a condition or combination of

conditions that exist that would reasonably ensure the safety of the community or Defendant's appearance, as previously determined by the Court on December 13, 2017.

According, Defendant's Motion for Bond is denied.

IT IS SO ORDERED.

Dated: December 16, 2019

s/Jonathan D. Greenberg

United States Magistrate Judge